



## Statement on the Proposed Online Safety Bill

The Centre for Policy Alternatives (CPA) notes the publication of the [Online Safety Bill](#) (Bill) on the 15<sup>th</sup> of September 2023 and tabled in Parliament on 3<sup>rd</sup> of October 2023. CPA has shared its initial concerns on several clauses of the Bill in a series of [infographics](#) issued on 22<sup>nd</sup> September 2023, highlighting several concerns that can impede fundamental rights and erode Sri Lanka's democracy. At the outset, CPA notes the need to have frameworks that provide for the safety of individuals and groups, particularly children and women who are increasingly vulnerable to threats online. Nonetheless, such measures must be done in adherence to the fundamental rights provided in the Constitution and international standards. It is unfortunate that the present Bill's concern regarding online safety is in name only. The Bill represents the latest attempt by the Government to introduce laws that expand the powers of the executive arm of Government with limited safeguards and wide scope for abuse.

CPA's concerns around the Bill relate to both the contents and the law-making process. CPA notes that the proposed Bill consists of numerous problematic provisions which include: vague and broad terminology defining prohibited statements and what constitutes online safety; the appointment of an Online Safety Commission by the President with expansive powers including the power to make rules for service providers and internet intermediaries who provide internet-based communications services; conferral of powers to the Minister to make regulations in respect of all matters which are required by the Act; and severe restrictions placed on the freedom of expression on social media. CPA also notes that the Bill entrenches punitive measures and deliberately targets freedom of expression and dissent.

Further, CPA is concerned with the timing of the Bill. The publication of the Online Safety Bill alongside the [revised Anti-Terrorism Bill](#) on the same day are not coincidental acts and the apparent rush to move with both bills is indicative of an undemocratic legislative program. This has been steered by the present Government in creating a legal regime that enables the repression of freedom of expression and the right to dissent in Sri Lanka. Moreover, CPA notes that the proposed laws restrict such fundamental freedoms by broadening the scope for restrictions provided under "National Security". It also expands the powers of the office of the executive President, with alarming consequences for Sri Lanka's human rights, governance and democracy.

CPA notes that there have been multiple attempts in the past by successive governments to legislate laws to restrict freedom of expression and the right to dissent. For instance, in [2015, amendments proposed to the Penal Code](#) and the [Code of Criminal Procedure](#) attempted to criminalise hate speech and the instigation of communal violence and disharmony. In 2021, the Cabinet approved the drafting of laws to [“protect against the spreading of false and misleading statements through Internet.”](#) It is also noteworthy that the Online Safety Bill is introduced in the context of the proposed Broadcasting Regulatory Authority Bill, which is yet to be gazetted by the Government. [CPA has continuously](#) pushed back against legislative attempts violating the fundamental rights of the people of Sri Lanka and is concerned with the process of legislating a bill of this nature. As such, CPA urges the Government to withdraw the Bill and commence a process to draft a law that is transparent and informed by different stakeholders with the intention of protecting fundamental rights and provide a robust and safe online space.

Further comments on the Online Safety Bill are forthcoming.